

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEE FITZGERALD and KATHERINE
ADLER, each individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

THE SHADE STORE, LLC,

Defendant.

CASE NO. C23-1435RSM

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT’S
MOTION TO SEAL RE:
OPPOSITION TO MOTION FOR
CLASS CERTIFICATION AND
OTHER FILINGS

This matter comes before the Court on Defendant The Shade Store, LLC’s Motion to Seal. Dkt. #81 (seeking to seal Dkts. #84 through #87). These filings include Defendant’s Opposition to the Motion for Class Certification, two motions to exclude expert testimony, and related exhibits.

“There is a strong presumption of public access to the court’s files.” Local Rule 5(g). A “good cause” showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal citations omitted). For dispositive motions, the presumption may be overcome by demonstrating “compelling reasons.” *Id.*; *Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1135-36 (9th Cir.2003). Courts in this District have applied the “compelling reasons”

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S MOTION TO
SEAL RE: OPPOSITION TO MOTION FOR CLASS CERTIFICATION - 1

1 standard to motions to seal documents related to class certification. *See Wetzel v. Certaineed*
2 *Corp.*, 2019 WL 1979608, at *1 (W.D. Wash. May 3, 2019). Applying the “compelling
3 reasons” standard, the Ninth Circuit has found appropriate the sealing of documents when court
4 records could be used “as sources of business information that might harm a litigant’s
5 competitive standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th
6 Cir. 2016), *cert. denied*, 137 S.Ct. 38 (2016).

7 Defendant moves to seal “certain, limited portions of those documents containing or
8 discussing confidential and proprietary business information regarding aggregate and
9 transaction-level financial and sales data.” Dkt. #81 at 3–4.

10 Plaintiffs ask to seal documents with their personal contact information and irrelevant
11 financial information. *See* Dkt. #89 at 2.

12 The Court agrees that the exhibits at Dkt. #87 should remain under seal for the reasons
13 articulated by the parties.

14 On the other hand, the Court finds no compelling reason for the redactions made to the
15 Opposition to the Motion for Class Certification. Defendant asks to redact portions of “Page 2,
16 line 19 Page 4, lines 3, 8-9 Page 22, lines 15-17.” Dkt. #81 at 6. These redactions seal from
17 public view the “[a]pproximate[.]... % of orders [.]placed via design consultants;” the number of
18 days that the “typical” customer completes their process given as a range between two numbers
19 “or more;” the “approximate[.]” percentage of customers who purchased for their own use
20 versus home professionals purchasing for a client; and the “approximate[.]” percentage of
21 customers who buy off Defendant’s website as opposed to buying through a design consultant.
22 *See* Dkt. #74 at 8, 10, and 28. To justify these specific redactions, Defendant states only, “[t]he
23 redacted language consists of confidential, proprietary, and competitively sensitive information
24 reflecting [The Shade Store’s] financial and sales data and its business and pricing strategies.”

1 Dkt. #81 at 6 (citing Dkt. #82 (“Spatz Decl.”), ¶¶ 3-4). These redactions do not articulate
2 strategies, just approximate, high-level numbers describing the standard operations of
3 Defendant’s business. The Court sees no reason why these numbers would be confidential or
4 particularly damaging to Defendant if shared with competitors. These redactions are general in
5 nature, not pertaining to specific customers. The Court is not convinced this is the kind of
6 information likely to “harm a litigant’s competitive standing.”

7 The same analysis applies to the Motions to exclude expert testimony and the very
8 limited redactions requested there. *See* Dkts. #75 and #76. For these Motions, redactions are
9 made only to the approximate percentage of customers who spend over a certain number of
10 days before finally placing their orders. Defendant gives the same thin justification for these
11 redactions. *See* Dkt. #81 at 6–7 (citing Spatz Decl. at ¶¶ 3-4). There is no compelling reason or
12 even good cause articulated by Defendant for the sealing of these approximate, high-level
13 numbers reflecting the standard operations of Defendant’s business.

14 Accordingly, having reviewed the relevant briefing and the remainder of the record, the
15 Court hereby finds and ORDERS that Defendant’s Motion to Seal, Dkt. #81, is GRANTED IN
16 PART AND DENIED IN PART. The filing at Dkt. #87 is to remain under seal. The
17 Opposition to the Motion for Class Certification at Dkt. #86 and the Motions at Dkts. #84 and
18 #85 are to be UNSEALED by the Clerk fourteen days after this Order.

19 DATED this 18th day of July, 2025.

20
21 

22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
24